

Attorney's Docket No.: 10200-010001

1fw 2614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau et al.

Art Unit : 2614

Serial No. : 10/038,866

Examiner : Gerald Gauthier

Filed : January 4, 2002

Title : TELEPHONE NETWORK MESSAGING

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO ACTION DATED 25 JANUARY 2007

Claims 1-19 stand rejected as obvious over Albal, U.S. Patent Application No. 2003/0147518 A1, in view of Meldrum, United States Patent No. 6,697,478. Dependent claims 20-22 stand rejected as obvious over Albal, Meldrum, and Tate, U.S. Patent No. 6,509,833.

The issue in the present Office action remains the same as in the previous four actions (June 19, 2003; December 9, 2004; October 20, 2005; and April 26, 2006): whether the prior art identified by the Examiner discloses the claim 1 feature of “setting up a *non-associated telephone call* to the recipient telephone number *from a simulated calling party* having the same telephone number as the message code, such that the telephone network uses the caller-identification feature to communicate data corresponding to the message code to the recipient telephone number.” (Emphases added.)

By way of background, and as noted in the previous responses, the term “non-associated telephone call” is expressly defined at pages 3-4 of Applicants’ specification. Among other things, it is a *simulated* call from a *simulated* calling party, *where no actual call is provisioned* (emphasis added):

The term “non-associated telephone call” means a simulated telephone call *from a simulated calling party* (having the same telephone number as the message code) to the

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real recipient telephone number. In the non-associated telephone call, the caller-identification information for the simulated calling party is communicated (e.g., using SS7) to the recipient telephone number, **but no actual call is provisioned**.

As the specification further explains, at page 4, it is advantageous to employ a non-associated telephone call, in which no actual call is provisioned, because doing so consumes far less bandwidth than an actual call: "Because data is communicated by setting up a non-associated telephone call **that does not require provisioning an actual call**, the is method consumes little or no call bandwidth on the telephone network." (Emphasis added.)

The Examiner does not find this claim feature in the primary reference, Albal. The Examiner also does not find this feature in Tate. The Examiner instead purports to find this feature at 3:41-55 of the new reference, Meldrum. In particular, the Examiner identifies that "[t]he call manager sends a SS7 signal to the customer equipment." (Action, at 4.)

But Meldrum's use of the SS7 signal occurs in connection with an **actual** call, not a **simulated** call. This is clear from the outset of the patent, which explains the problem to which the invention is directed, namely, the difficulty that an actual caller (not a simulated caller) can have in reaching someone who has multiple telephone numbers (1:13-22):

Trends such as telecommuting, virtual offices, contract employment, etc. have led to the proliferation of both land-based and cellular phone services. It is not uncommon for a person to have different telephone numbers at their corporate office, their home office, their home, and one or more cell phone numbers. Callers are therefore often required to dial multiple numbers in order to reach a person. This is not only a waste of time, but expensive. A number of prior "simultaneous ring" systems have been proposed.

Meldrum discloses a simultaneous ring system that couples an actual incoming call (not a simulated call) to any one of several telephone numbers (1:65-2:5):

In response to receiving an incoming call on the user-line, the simultaneous ring system simultaneously rings target phone numbers associated with the telephone number and then transfers the telephone call to the telephone network if a connection to one of the target phone numbers is made.

With regard to the passage cited by the examiner, it is likewise clear that the passing of the SS7 signal to the call manager 54 occurs in connection with an actual call, not a simulated call. As explained at 3:49-52, Meldrum discloses that the call manager 54 then determines if this incoming call is to a telephone number that belongs to a "valid subscriber." At 3:52-53,

Meldrum explains that the call manager 54 then queries a database to look up "target telephone numbers" based on this dialed number of the incoming call, and then (3:54-56) initiating SS7 calls on the outbound channels for each of the target telephone numbers.

Although the details of this process are not precisely disclosed in this passage, apparently the call manager 54 uses the part of the SS7 signal containing the *called* party's telephone number—not the part of the SS7 signal containing the actual *calling* party's telephone number—to identify a series of "target telephone numbers" to be rung simultaneously. Thus, not only is Meldrum directed to *actual* (not *simulated*) calls, but this passage does not disclose the use of the actual calling party's telephone number (the caller-identification feature) for any purpose.

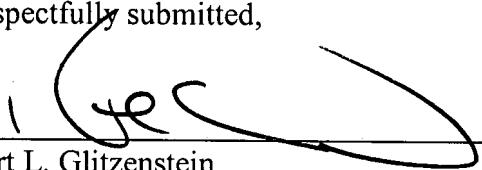
Accordingly, there is no disclosure in the cited passage of Meldrum of setting up of a non-associated telephone call. That term has been expressly defined in the specification as pertaining to the situation where *no actual call is provisioned*. The simultaneous ring process disclosed in the cited passage of Meldrum is disclosed as being performed in connection with an actual call, and so does not supply the teaching that is missing also from Albal and Tate.

Applicants therefore submit that all claims are in condition for allowance, which action is requested.

Please apply any charges, or make any credits, to deposit account 06-1050, reference 10200-010001.

Respectfully submitted,

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